

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

ALEXANDRIA DIVISION

ADELINA C. ROCABRUNA, *et al.*,

Plaintiffs,

v.

Civil No. 1:12cv506

BANK OF AMERICA, N.A.,

Defendant.

**MOTION FOR HEARING ON TEMPORARY RESTRAINING ORDER OR, IN
THE ALTERNATIVE, FOR A PRELIMINARY INJUNCTION**

The Plaintiffs, ADELINA AND MIGUEL ROCABRUNA, move this Court for a hearing on their Motion for a Temporary Restraining Order pursuant to Fed. R. Civ. P. 65(b) or, in the alternative, on their Motion for a Preliminary Injunction to Fed. R. Civ. P. 65(a) to prohibit Defendant from foreclosing on their property. Defendant lacks the right to enforce the foreclosure provisions under the Deed of Trust; therefore, any foreclosure would cause an irreparable injury to the Plaintiff.

Respectfully submitted,
ADELINA AND MIGUEL ROCABRUNA

/s/

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CERTIFICATE OF SERVICE

I certify that this 17th day of May 2012, I filed the foregoing motion in the Clerk's Office for the Eastern District of Virginia. The motion has been transmitted by facsimile, and electronic mail to the following:

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CERTIFICATE OF COMMUNICATION WITH DEFENDANTS CONCERNING
MOTION FOR TEMPORARY RESTRAINING ORDER

I certify that counsel has personally contacted Bank of America, N.A. Counsel has requested numerous times in writing that the foreclosure of the Rocabrana's home be continued from Bank of America, Recontrust Company, N.A. and ALG Trustee, LLC. Counsel has also contacted several attorneys from McGuireWoods, LLP, who have previously represented Bank of America on similar federal cases where undersigned counsel has represented consumers. I certify that I have had a conversation with Kenneth W. Abrams, Esq., who informed me that McGuireWoods' litigation team leader, Matt Pearson, was reviewing the Complaint and would make a determination on whether the sale could be postponed. As of close of business on May 16, 2012, no determination was made and the above-mentioned counsel would not agree to accept service of this motion. All counsel are on notice that the Plaintiffs are filing this motion and requesting a temporary restraining order or preliminary injunction. The Plaintiffs move for to prohibit the foreclosure at issue in this case.

/s/

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